

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment- Cooperation Department-Gazetted officers- Appeal of Smt B. Suseela, Deputy Registrar (Voluntarily Retired)- Reversion to the cadre of Assistant Registrar- Cancellation of reversion orders dated:17.10.2007 issued by the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad - Orders-Issued.

AGRICULTURE AND COOPERATION (COOP-II) DEPARTMENT

G.O.Rt. No. 1378

Dated:16-11-2009.

Read the following:-

1. From the CC&RCS, Hyderabad Proceedings Rc No.38636/2006-G1, dated:17.10.2007.
2. Appeal from Smt B. Susheela, Deputy Registrar (Voluntarily retired), Khammam dated:11.03.2008, 25.04.2008 and 20.08.2008.
3. From the CC&RCS, Hyderabad Lr Rc No.38636/2006-G1, dated:13.08.2008.

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ORDER:

Smt B. Susheela, Deputy Registrar (Retired voluntarily), Khammam, in her representation 2nd read above, has stated that she was appointed as Typist in Cooperation Dept., on 6-2-1976, subsequently promoted to the cadre of Jr.Inspector, Sr.Inspector, Cooperative Sub-Registrar, and Deputy Registrar and completed 31 years of continuous service, that she was retired from Government service voluntarily on 30.09.2007 in the cadre of Deputy Registrar of Cooperative Societies with prior permission of the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad. But unfortunately, she received reversion orders to the post of Asst.Registrar after her retirement vide Proceedings Rc No.38536/2006-G1, dated:17.10.2007 of the CC&RCS, Hyderabad in the reference 1st read above, which was received by her on 31-10-2007. She has also stated that she was suffering both mentally and financially from all these months without salary/pension benefits after her retirement from 30-9-2007. She has therefore, requested the Government to consider her application and do justice by cancelling reversion orders issued by the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad the reference 1st read above.

2. The Commissioner for cooperation and Registrar of cooperative societies, AP, Hyderabad in his letter 3rd read above, has stated that Smt B.Susheela, Deputy Registrar/OSD had represented to accord permission to retire voluntarily w.e.f.30.9.2007 on her personal grounds. Accordingly, in the reference 1st read above and permission was accorded for voluntary retirement w.e.f.30.9.2007 AN duly imposing the condition that " permission of voluntary retirement would however, be without prejudice to the revision of her seniority and the consequential action and disciplinary action that may be contemplated/initiated against her after issue of these orders and the same will deemed to have continued even after her retirement under AP Revised Pension Rules,1980". With regard to revision of seniority, he has stated the Direct recruit CSRs of 1995 batch recruited through 1990 notification filed an O.A. No.5043/04 against the inter-se seniority communicated vide Memo Rc No.12198/02/ZV, dated:25.6.2004 and the APAT in its orders dated:21.6.2005 directed that the Direct recruit CSRs of 1990 notification have to be shown enblock seniors to the promotes and set aside the above said inter-se-seniority. In view of the orders of Hon'ble A.P.A.T., the inter-se-seniority is revised duly following the procedure due which the seniority of Smt B.Susheela in the cadre of Asst.Registrar stood at No.461, against the earlier position at No.428. The Commissioner for cooperation and Registrar of cooperative societies, AP, Hyderabad has therefore stated that the reversion to Smt B. Susheela was effected in terms of the revision of seniority done based on APAT judgement and the action of CC & RCS, Hyderabad is not contrary to the orders of Government nor the instruction of Government. He has finally stated that there is no substance in the appeal of Smt B. Susheela and requested the Government to pass orders as deemed fit in this case.

3. Government have examined the matter carefully and observes that Smt B. Suseela was promoted as Deputy Registrar of Cooperative Societies vide proceedings of the CC&RCS, Hyderabad RC No.4194/2003/G1, dated:14.08.2003 and she was placed on probation in the said post w.e.f. 14-8-2003. In the year 2005, in pursuant to the orders of APAT dated:21.06.2005 in O.A. No.5043/2004, the CC&RCS, A.P.Hyderabad has prepared revised inter-se-seniority list of the Asst.Registrars of Zone-V and communicated to the affected individuals including Smt B. Susheela,

Deputy Registrar to file their objections if any on the proposed seniority list. As the matter stood thus, Smt B. Susheela, Deputy Registrar in her representation dt. 3-7-2007 has requested the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad to accord permission to retire voluntarily from service w.e.f. 30.09.2007 on her personal grounds. The Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad in his proceedings Rc No. 32531/2006-G1, dated:31.07.2007 has permitted Smt. B.Susheela, Deputy Registrar/OSD District Cooperative Central Bank, Khammam, to retire voluntarily from service w.e.f.30.09.2007 by imposing a condition i.e., without prejudice to the revision of her seniority and consequential action disciplinary action etc. It is a fact that even before retirement of the individual i.e. on 30.9.2007, the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad in Proceedings Dated:06.08.2007 has issued notice to the individual as to why she should not be reverted to the cadre of Assistant Registrar. But, after retirement of the individual voluntarily from service on 30.09.2007, i.e., after lapse of 17 days, the CC&RCS, Hyderabad, in the reference 1st read above, issued orders of reversion of Smt.B.Susheela, Deputy Registrar(Retd) to the category of Cooperative Sub-Registrar/Asst.Registrar.

4. Government further observes Smt. B.Suseela, D.R. (Retd), has rendered her service as D.R. from 14-8-2003 to 30-9-2007 and voluntarily retired from service on 30-9-2007 A.N, thus she was out of service w.e.f. 30-9-2007 A.N. The orders of reversion of the applicant to the cadre of Assistant Registrar (former Coop.Sub Registrar) were issued by the CC&RCS on 17-10-2007, by the time she was already retired from service. There is no specific provision in the A.P.Revised Pension Rules,1980 for permitting an employee to retire on voluntary grounds on a conditional basis. The orders of Voluntary retirement were effective from 30.09.2007 and after issue of these orders, the reversion orders were issued on 17.10.2007. No rule provides for revision to a lower post after retirement, thus these orders are not in accordance with the procedure. Thus the orders issued by the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad in respect of Smt B.Suseela, Deputy Registrar, for voluntary retirement on conditional basis and also the reversion of the individual to lower post after her retirement are not in accordance with rules. Since no rule provides for reversion of an individual to a lower post after retirement, thus the question of reversion of the appellant after her retirement doesn't arise. Government, therefore considers that the Proceedings of the CC&RCS, A.P. Hyderabad, in the reference 1st read above, reverting Smt B.Susheela, Deputy Registrar (Retd) to lower cadre as Asst.Registrar, after her retirement are not tenable, and they are liable to be set aside.

5. Accordingly, Government while allowing the appeal of Smt B.Susheela, Deputy Registrar(Retd) in the reference 2nd read above, here by set aside the proceedings of the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad in the reference 1st read above. He is requested to settle the pensionary benefits of the individual as per the last pay drawn by her. With regard to fixation of seniority, he is informed that since the revision of intre-se-seniority between direct recruits and promotee Cooperative Sub-Registrars., is with reference to APAT orders, the seniority shall be fixed in accordance with instructions issued in Cir.Memo.No.16/Ser.A/93-39, GAD, dt. 21-4-2009 and as the individual is already retired from service the placement in seniority will be changed. But the question of reversion of the individual after retirement doesn't arise.

6. The Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.KISHORE,
PRINCIPAL SECRETARY TO GOVERNMENT(AM &COOP)

To
The Commissioner for Cooperation and Registrar of Cooperative societies, AP,
Hyderabad.
The individual through the Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad.
SF/SC.

//FORWARDED:BY ORDER//

SECTION OFFICER